

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
LEONIDES CEGUEDA and MARIO
CARRERA, individually and on behalf of
others similarly situated,

Plaintiffs,

-against-

LIRA OF NEW YORK, INC. (d/b/a LUKE's
BAR & GRILL), LUIGI MILITELLO, LUIGI
LUZARDI, and JOHN DOE,

Defendants.
-----X

13 Civ. 4869 (GHW)

ORDER OF DISCONTINUANCE

GREGORY H. WOODS, United States District Judge:

On April 3, 2014, it was reported to the Court that this case has been settled. The Court held a telephone conference on April 4, 2014 to inquire whether the parties wished to proceed by stipulation of dismissal under Fed. R. Civ. P. 41(a), or whether the parties wished the Court to review the terms of the settlement and approve it. The Court directed the parties to confer and submit the appropriate papers to the Court depending upon the parties' choice. By order of April 9, 2014, the Court presented these choices to the parties again, this time in writing, and gave the parties until April 18, 2014 to submit either a stipulation of discontinuance or a joint letter setting forth the parties' views as to why their settlement should be approved. On April 10, 2014, the Court received a stipulation of dismissal, but it was signed only by counsel for the defendant. The Court has not received any further submissions as of April 21, 2014.

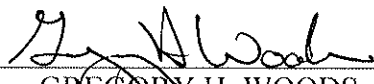
It is hereby ORDERED that this action be conditionally discontinued without prejudice and without costs; provided, however, that within thirty (30) days of the date of this Order, the parties may submit to the Court their own Stipulation of Settlement and Dismissal for the Court

to So Order. Otherwise, within such time Plaintiff may apply by letter for restoration of the action to the active calendar of this Court in the event that the settlement is not consummated. Upon such application for reinstatement, the parties shall continue to be subject to the Court's jurisdiction, the Court shall promptly reinstate the action to its active docket, and the parties shall be directed to appear before the Court, without the necessity of additional process, on a date within ten (10) days of the application, to schedule remaining pretrial proceedings and/or dispositive motions, as appropriate. This Order shall be deemed a final discontinuance of the action with prejudice in the event that Plaintiff has not requested restoration of the case to the active calendar within such 30-day period.

The Clerk of Court is directed to terminate all pending motions, adjourn all remaining dates, and to close this case.

SO ORDERED.

Dated: April 21, 2014
New York, New York



GREGORY H. WOODS
United States District Judge